



Headquarters • Humphrey Building
200 Independence Ave, S.W. • Washington,
D.C. 20201
Voice: (800) 368-1019 • TDD: (800) 537-7697
Fax: (202) 619-3818 • www.hhs.gov/ocr

February 21, 2025

State of Maine
Office of Governor Janet T. Mills
1 State House Station
Augusta, ME 04333

Dannel P. Malloy
Chancellor
University of Maine System

Office of the Attorney General
6 State House Station
Augusta, ME 04333
attorney.general@maine.gov

Re: Notice of Compliance Review (OCR Transaction Number: DO-25-610531-RV-CRR State of Maine)

Dear Counsel:

The U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) is initiating a compliance review of the Maine Department of Education (MDOE) based upon [reports](#) that the Maine Principal's Association, which governs school sports in the state, will continue to allow transgender athletes to compete in women's sports in violation of President Trump's Executive Order (EO) 14201, "Keeping Men Out of Women's Sports," signed on February 5, 2025. These reports were further confirmed by a [statement](#) issued by the Governor's office on February 21, 2025.

OCR enforces Title IX of the Education Amendments of 1972¹ (Title IX), which prohibits discrimination on the basis of sex in any educational program or activity that receives Federal financial assistance. OCR ensures compliance through enforcement activities and periodic reviews of HHS-funded institutions such as MDOE, including the University of Maine System. MDOE receives millions of dollars of taxpayer money. It may not accept that funding if it is in violation of the federal civil rights laws. This investigation will uncover whether that has, in fact, happened.

¹ 20 U.S.C. §168, as implemented by HHS at 45 C.F.R. Part 86.

As stated in section 1 of EO 14201, under Title IX, “educational institutions receiving Federal funds cannot deny women an equal opportunity to participate in sports. In addition to this Executive Order, federal courts have recognized that ‘ignoring fundamental biological truths between the two sexes deprives women and girls of meaningful access to educational facilities.’ *Tennessee v. Cardona*, 24-cv-00072 at 73 (E.D. Ky. 2024). *See also Kansas v. U.S. Dept. of Education*, 24-cv-04041 at 23 (D. Kan. 2024) (highlighting ‘Congress’ goals of protecting biological women in education’).”

It is no answer for MDOE to assert that EO 14201 conflicts with state law, as Federal laws preempt conflicting state laws. *See* U.S. Const. art. 6, cl. 2.

As a recipient of HHS Federal financial assistance, MDOE is obligated to comply with Title IX. OCR’s right of access to collect information to determine MDOE’s compliance status is found at 45 C.F.R. § 80.6(c), (incorporated by reference at 45 C.F.R. § 86.71) which states:

Each recipient shall permit access by the responsible department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information and its facilities as may be pertinent to ascertain compliance with this part.

The scope of this compliance review will determine whether MDOE denied the benefits of, or otherwise subjected female students in the State of Maine to discrimination on the basis of sex under Title IX.

Please be advised that federal regulations prohibit covered entities from harassing, intimidating, or retaliating against individuals who participate in OCR investigations or compliance reviews. Any such action may constitute a violation of 45 C.F.R. § 80.7(e) (incorporated by reference at 45 C.F.R. § 86.71). We request that you take all necessary steps to assure compliance with this prohibition.

If you have questions, you may contact Daniel Shieh, Associate Deputy Director, at Daniel.Shieh@hhs.gov. When contacting this office, please remember to include the transaction number, referenced above, that we have given this file.

Sincerely,



Anthony F. Archeval
Acting Director
HHS, Office for Civil Rights